

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/866,730 Confirmation No.: 7131  
Applicant : David Allen Hayes  
Filed : May 30, 2001  
Title : METHOD AND SYSTEM FOR PROVIDING AN ONLINE  
COLLECTIONS SERVICES MARKETPLACE  
TC/Art Unit : 3628  
Examiner: : Elda G. Milef  
Docket No. : 57792.000003  
Customer No. : **21967**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTED**

**APPEAL BRIEF**

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**APPEAL BRIEF**

In view of the Notification of Non-Compliant Appeal Brief mailed on July 9, 2007, Appellant hereby respectfully submits the Corrected Appeal Brief with proper headings. Specifically, Appellant has removed the "Conclusion" heading.

Appellant's Appeal Brief in connection with the above-captioned patent application with the requisite fee in accordance with 37 C.F.R. § 1.17(c) are hereby submitted. A Notice of Appeal and a Request for Pre-Appeal Brief Conference were submitted on August 23, 2006. A Decision allowing the application to proceed to the Board of Patent Appeals and Interferences was mailed on September 26, 2006. Each item required by 37 C.F.R. § 41.37 is set forth below. The fee for filing the Appeal Brief was submitted on March 26, 2007. Commissioner is authorized credit any overpayment or charge any deficiencies to the Deposit Account No. 50-0206 if necessary.

In response to the Final Office Action dated May 24, 2006, rejecting pending claims 1-20, Appellant respectfully requests that the Board of Patent Appeals and Interferences to reconsider and withdraw the rejection of record, and allow the pending claims, which are attached hereto as Appendix A.

## **I. REAL PARTY IN INTEREST**

The real party in interest is the CollectionsConnections, Inc, the named assignee of the above-referenced application.

## **II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any related appeals and interferences.

## **III. STATUS OF CLAIMS**

Claims 1-20 are pending in the application. The rejections of each of claims 1-20 are appealed.

## **IV. STATUS OF AMENDMENTS**

No amendments to the claims have been filed subsequent to the Final Office Action mailed May 24, 2006.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

### **A. Summary of the Invention**

An embodiment of the present inventions is directed to a system and method for providing an on-line marketplace for entities providing collection services and those requesting collection services through a web-site. *See, e.g.*, page 2, lines 8-9, Specification. According to an exemplary embodiment, the invention may assist clients in identifying the most effective set

of providers in connection with the characteristics of their receivables and other factors. *See, e.g.,* page 2, lines 9-11.

An embodiment of the present invention may provide a method for rating the effectiveness of the collection companies as well as a method for rating the quality of the receivables where clients may evaluate and select one or more appropriate providers. *See, e.g.,* page 2, lines 15-17. A database of collected receivables, data mining techniques, or neural networks may be used to examine a set of receivables and determine a set of collection services for an optimal return. *See, e.g.,* page 2, line 21 to page 3, line 2. An auction function associated with the present invention may also be available where clients may specify parameters and auction a defined set of receivables. *See, e.g.,* page 3, lines 2-3. For example, the client may specify parameters thereby limiting the bidding process to select providers. *See, e.g.,* page 3, lines 3-5. The bidding process may provide the client with each providers' bid, an efficiency rating associated with each provider, and other information. *See, e.g.,* page 3, lines 5-6.

## **B. Embodiments of the Claimed Invention**

### **1. Independent Claim 1**

As recited in independent claim 1, a computer implemented method for providing an online collections services marketplace to assist Clients in identifying a Provider for collecting associated receivables (*See, e.g.,* page 2, lines 8-11), comprising the steps of: subscribing with an online collections services system wherein a Client inputs profile data and wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party (*See, e.g.,* page 11, lines 13-19; Figure 4); providing information related to the receivables for collection through the online collections services system, wherein the online collections services system characterizes

the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables (*See, e.g.*, page 11, line 20 to page 12, line 6; Figure 5); enabling the Client to select one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider (*See, e.g.*, page 12, line 7 to page 13, line 3; Figures 2 and 6), (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables (*See, e.g.*, page 13, line 4 to page 14, line 2; Figures 2 and 7) and (3) a manual process where the Client searches for a single Provider based on search criteria (*See, e.g.*, page 14 lines 3-15; Figures 2 and 8); selecting the single Provider identified by the selected option to collect the receivables.

## **2. Independent Claim 7**

As recited in independent claim 7, a computer implemented method for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients (*See, e.g.*, page 2, lines 8-11), comprising the steps of: subscribing with an online collections services system wherein a Provider inputs Provider data wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party (*See, e.g.*, page 11, lines 13-19; Figure 4); viewing one or more receivable ratings associated with one or more Clients, wherein the receivable ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the

receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables (*See, e.g.*, page 11, line 20 to page 12, line 6; Figure 5); providing a Client selection process wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider (*See, e.g.*, page 12, line 7 to page 13, line 3; Figures 2 and 6), (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables (*See, e.g.*, page 13, line 4 to page 14, line 2; Figures 2 and 7) and (3) a manual process where the Client searches for a single Provider based on search criteria (*See, e.g.*, page 14 lines 3-15; Figures 2 and 8); and responding to a Client selection for collecting the receivables.

### **3. Independent Claim 11**

As recited in independent claim 11, a computer implemented system for providing an online collections services marketplace to assist Clients in identifying one or more Providers for collecting associated receivables (*See, e.g.*, page 2, lines 8-11), comprising: a subscription module for subscribing with an online collections services system wherein a Client inputs profile data and wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party (*See, e.g.*, page 4, lines 20-21 and page 5, lines 9-18; Figure 1); an input module for providing information related to the receivables for collection through the online collections services system, wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the

receivable where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables (*See, e.g.*, page 4, lines 20-21 and page 5, lines 9-18; Figure 1); and a selection module for enabling the Client to select one of a plurality of options wherein the plurality of options (*See, e.g.*, page 6, lines 6-13; Figure 1) comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider (*See, e.g.*, page 12, line 7 to page 13, line 3; Figures 2 and 6), (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables (*See, e.g.*, page 13, line 4 to page 14, line 2; Figures 2 and 7) and (3) a manual process where the Client searches for a single Provider based on search criteria and wherein the Client selects the single Provider identified by the selected option to collect the receivables (*See, e.g.*, page 14 lines 3-15; Figures 2 and 8).

#### **4. Independent Claim 17**

As recited in independent claim 1, a computer implemented system for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients (*See, e.g.*, page 2, lines 8-11), comprising: a subscription module for subscribing with an online collections services system wherein a Provider inputs Provider data wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party (*See, e.g.*, page 4, lines 20-21 and page 5, lines 9-18; Figure 1); a ratings module for viewing one or more receivable ratings associated with one or more Clients, wherein the receivables ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivable where the

receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables (*See, e.g.*, page 5, lines 17-18; Figure 1); a selection module for providing a Client selection process wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options (*See, e.g.*, page 6, lines 6-13; Figure 1) comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider (*See, e.g.*, page 12, line 7 to page 13, line 3; Figures 2 and 6), (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables situation (*See, e.g.*, page 13, line 4 to page 14, line 2; Figures 2 and 7) and (3) a manual process where the Client searches for a single Provider based on search criteria (*See, e.g.*, page 14 lines 3-15; Figures 2 and 8); and a determination module for responding to a Client selection for collecting the receivables.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues on appeal are as follows.

- A. Whether claims 1-4, 7, 8, 11-14, 17 and 18 are unpatentable under 35 U.S.C. § 103(a) by U.S. Patent No. 6,233,566 to Levine *et al.*
- B. Whether claims 5, 6, 15 and 16 are unpatentable under 35 U.S.C. § 103(a) by Levine in view of Pfeifer, Michael R, "Sharing Secrets," Mortgage Banking, Washington, December 1995, Vol. 56, Iss. 3, pp. 67-75.
- C. Whether claims 9 and 19 are unpatentable under 35 U.S.C. § 103(a) by Levine in view of U.S. Patent No. 6,012,046 to Lupien.

D. Whether claims 10 and 20 are unpatentable under 35 U.S.C. § 103(a) by Levine in view of U.S. Patent No. 6,598,026 to Ojha.

None of the claims stand or fall together. The reasons why each claim is separately patentable are presented in the Arguments section below.

## **VII. ARGUMENTS**

The rejections against the pending claims under consideration in the above-captioned patent application should be reversed for at least the reasons set forth below.

### **A. Brief Description of the Art Applied to the Claims**

#### **1. U.S. Patent No. 6,233,566 to Levine *et al* (“Levine”)**

Levine appears to be directed to creating a marketplace for end-to-end financial products life cycle transaction. *See Abstract*, col. 1, lines 3-5. More specifically, Levine purports to provide a centralized marketplace for trading of loan products and for end-to-end loan handling. *See col. 5, lines 57-59.*

#### **2. Pfeifer, Michael R., “Sharing Secrets,” *Mortgage Banking*, Washington, December 1995, Vol. 56, Iss. 3, pp. 67-75 (“the Pfeifer article”)**

The Pfeifer article appears to be generally discuss the absence of established case law defining the rights and obligations of servicers, borrowers, investors, rating agencies, and the public on the handling of normal nonpublic information. *See Abstract*, Pfeifer. The purpose of the Pfeifer article is to discuss how concrete guidelines for servicers in management and disclosure of nonpublic servicing information is needed. *See Abstract*, Pfeifer.

#### **3. U.S. Patent No. 6,012,046 to Lupien *et al* (“Lupien”)**

Lupien appears to be directed to creating a crossing network that matches buy and sell orders based upon a satisfaction and quantity profile. *See Abstract, col. 1, lines 1-2.* More specifically, Lupien purports to provide a crossing network that allows traders to input as orders a satisfaction density profile and maximum size limit which once characterizes the trader's degree of satisfaction to trade. *See col. 3, lines 65 to column 4, line 1.*

#### **4. U.S. Patent No. 6,598,026 to Ojha *et al* ("Ojha")**

Ojha appears to be directed to facilitating a transaction between a buyer and one of a plurality of sellers via the Internet. *See Abstract, col. 1, lines 1-3.* More specifically, Ojha purports to facilitate online transaction which allows traditional negotiation between a buyer and a seller to occur. *See col. 2, lines 48-50.*

The applied references all fail to show or obviate the combination of claim limitations, as recited by Appellant.

#### **B. Summary of Argument**

Claims 1-4, 7, 8, 11-14, 17 and 18 are improperly rejected under 35 U.S.C. § 103(a) by Levine because the Office Action fails to set forth a *prima facie* case of obviousness. In addition, Levine fails to show each and every limitation of the claimed inventions.

Claims 5, 6, 15 and 16 are improperly rejected under 35 U.S.C. § 103(a) by Levine and the Pfeifer article because Office Action fails to set forth a *prima facie* case of obviousness. In addition, the combination of Levine and the Pfeifer article fails to show each and every limitation of the claimed inventions.

Claims 9 and 19 are improperly rejected under 35 U.S.C. § 103(a) by Levine and Lupien because Office Action fails to set forth a *prima facie* case of obviousness. In addition, the combination of Levine and Lupien fails to show each and every limitation of the claimed inventions.

Claims 10 and 20 are improperly rejected under 35 U.S.C. § 103(a) by Levine and Ojha because Office Action fails to set forth a *prima facie* case of obviousness. In addition, the combination of Levine and Ojha fails to show each and every limitation of the claimed inventions.

### **C. Independent Claim 1 is Patentable Over Levine under 35 U.S.C. 103(a)**

Claims 1 is currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Levine. For at least the reasons stated below, independent claim 1 is clearly patentable over Levine.

#### **1. Levine Fails to Properly Address Each and Every Claim Limitation of Independent Claim 1**

Levine appears to be directed to a system for online financial products trading. More specifically, the system of Levine provides a centralized exchange system for the trading of loans (Abstract). The system of Levin appears to be directed to buying and selling loans. Contrary to the Office Action, Levin does not involve any collections services. Levine fails to disclose the combination of claim limitations as recited by claim 1.

More specifically, Levine fails to discloses a method for providing an online collections services marketplace to assist Clients in identifying a Provider for collecting associated receivables, comprising the steps of subscribing with an online collections services system wherein a Client inputs profile data and *wherein the Client is in search of a Provider for*

*collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party; providing information related to the receivables for collection through the online collections services system, wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables; enabling the Client to select one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; selecting the single Provider identified by the selected option to collect the receivables.*

The Office Action recognizes that Levin discloses “a centralized exchange system for loans.” See page 3, Final Office Action. The system of Levin appears to be directed to buying and selling loans. *See* Levine, Abstract. Contrary to the Office Action, Levine does not disclose an online collections services marketplace for retaining professional services of collections agencies in an effort to collect the delinquency. As such, Levin fails to even address the concept of “receivables,” as defined by the claims. In addition, the Office Action has failed to address this deficiency in the applied reference.

The claims further recite “enabling the Client to select one of a plurality of options *wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; selecting the single Provider identified by the selected option to collect the receivables.*” The claims clearly recite *a plurality of options as identified by (1) a bidding process, (2) an optimization process and (3) a manual process*. The Office Action addresses each option in a cursory manner and merely concludes obviousness. *See* pages 4 and 5, Final Office Action. Further, the Office Action improperly relies on Levine’s alleged disclosure of a bidding feature to address both option (1) a bidding process and (2) an optimization process. The claims specifically recite that the plurality of options comprises at least three separate and distinct options, namely (1) a bidding process, (2) an optimization process and (3) a manual process. None of the applied prior art discloses or even suggests the claimed plurality of options.

During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Each claim limitation must have meaning and cannot be interpreted to be devoid of any meaning. The Examiner has the burden to show where in the reference each claim limitation is found. By using the same feature in Levine to address distinct claim features, the Examiner is collapsing several claim limitations into one and thereby effectively improperly eliminating claim elements. As a result, the Examiner has improperly eviscerated option (2), which is distinct from option (1) and option (3).

In addition, for the (3) manual process option, the Office Action merely alleges that “it is obvious to manually perform tasks that are commonly done on a computer.” However, this conclusory statement does not address option (3) as recited by the claims. The overly broad application of the Levine reference suggested by the Office Action contradicts the claim language which defines at least three distinct options. Therefore, Levine clearly fails to “enable the Client to select one of a plurality of options where the plurality of options comprises (1) a bidding process .. (2) an optimization process … and (3) a manual process,” as required by the claims. Accordingly, the Levine reference fails to address each and every claim limitation of independent claim 1.

## **2. The Office Action Fails to Provide A Proper Statement of Motivation**

Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See In re Lee*, 277 F.3d 1338, 1343-46, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002); *In re Rouffett*, 149 F.3d 1350, 1355-59, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998).

The Office Action has failed to set forth a *prima facie* case of obviousness for the independent claims. Specifically, when a primary reference is missing elements, the law of obviousness requires that the Office set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000). In other words, there must be some recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention.

In the present case, the Office Action's justifications for modifying and combining the Levine reference have absolutely nothing to do with the admitted deficiencies of Levine. To properly modify Levine to correct for the admitted deficiencies, the Office Action has the burden to show some motivation why providing those elements would have overcome some perceived problem with Levine. Any such motivation is completely lacking.

The mere fact that Levine can be somehow combined and modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See M.P.E.P § 2143.01; see also In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Completely missing from the Office Action's conclusion of obviousness is the rigorous analysis required by *Graham v. John Deere Co.*, 383 U.S. 1 (1966), *See, e.g., In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."). The need for specificity pervades this authority. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Office must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. *In re Rouffet*, 149 F.3d at 1357-58. In practice, this requires that the Office “explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious.” *Id.* at 1359. This entails the consideration of both the “scope and content of the prior art” and “level of ordinary skill in the pertinent art” aspects of the *Graham* test. *In re Khan*, No. 04-1616, slip op. at 12 (Fed. Cir. March 22, 2006). The “motivation-suggestion-teaching” requirement protects against the entry of hindsight into the obviousness analysis, a problem which § 103 was meant to confront. *Id.* By requiring the Office to explain the motivation, suggestion or teaching as part of its *prima facie* case, the law guards against hindsight in all cases - whether or not the applicant offers evidence on secondary considerations - which advances Congress’s goal of creating a more practical, uniform, and definite test for patentability. *See Dann v. Johnston*, 425 U.S. 219, 225-26 (1976).

The “motivation-suggestion-teaching” test asks not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims. *See Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1321-24 (Fed. Cir. 2005).

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. The Examiner has clearly failed to reach the initial burden. For a proper rejection under 35 U.S.C. § 103, there must be some motivation to modify the

primary reference as suggested by the Office Action. Any such motivation is completely lacking. Therefore, the pending claims are patentable over the prior art and are believed to be in condition for allowance.

**D. Independent Claim 7 is Patentable Over Levine under 35 U.S.C. 103(a)**

In a similar manner, independent claim 7 is also patentable over Levine for at least the reasons stated below.

**1. Levine Fails to Properly Address Each and Every Claim Limitation of Independent Claim 7**

Levine appears to be directed to a system for online financial products trading. More specifically, the system of Levine provides a centralized exchange system for the trading of loans (Abstract). The system of Levin appears to be directed to buying and selling loans. Contrary to the Office Action, Levin does not involve any collections services. Levine fails to disclose the combination of claim limitations as recited by claim 7.

More specifically, Levine fails to discloses a method for providing an online collections services marketplace to assist Clients in identifying a Provider for collecting associated receivables, comprising the steps of subscribing with an online collections services system wherein a Client inputs profile data and *wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party*; providing information related to the receivables for collection through the online collections services system, *wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to*

*quote competitive rates for collecting the receivables; enabling the Client to select one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; selecting the single Provider identified by the selected option to collect the receivables.*

The Office Action recognizes that Levin discloses “a centralized exchange system for loans.” See page 3, Final Office Action. The system of Levin appears to be directed to buying and selling loans. *See* Levine, Abstract. Contrary to the Office Action, Levine does not disclose an online collections services marketplace for retaining professional services of collections agencies in an effort to collect the delinquency. As such, Levin fails to even address the concept of “receivables,” as defined by the claims. In addition, the Office Action has failed to address this deficiency in the applied reference.

Levine further fails to disclose or suggest a method for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients, comprising the steps of subscribing with an online collections services system wherein a Provider inputs Provider data *wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party; viewing one or more receivable ratings associated with one or more Clients, wherein the receivable ratings indicate a characterization*

*of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables; providing a Client selection process wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; and responding to a Client selection for collecting the receivables. The claims clearly recite a plurality of options as identified by (1) a bidding process, (2) an optimization process and (3) a manual process.* The Office Action addresses each option in a cursory manner and merely concludes obviousness. *See* pages 4 and 5, Final Office Action. Further, the Office Action improperly relies on Levine's alleged disclosure of a bidding feature to address both option (1) a bidding process and (2) an optimization process. The claims specifically recite that the plurality of options comprises at least three separate and distinct options, namely (1) a bidding process, (2) an optimization process and (3) a manual process. None of the applied prior art discloses or even suggests the claimed plurality of options.

During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Each claim limitation must have meaning and cannot be interpreted to be devoid of any meaning. The Examiner has the burden to show where

in the reference each claim limitation is found. By using the same feature in Levine to address distinct claim features, the Examiner is collapsing several claim limitations into one and thereby effectively improperly eliminating claim elements. As a result, the Examiner has improperly eviscerated option (2), which is distinct from option (1) and option (3).

In addition, for the (3) manual process option, the Office Action merely alleges that “it is obvious to manually perform tasks that are commonly done on a computer.” However, this conclusory statement does not address option (3) as recited by the claims. The overly broad application of the Levine reference suggested by the Office Action contradicts the claim language which defines at least three distinct options. Therefore, Levine clearly fails to “enable the Client to select one of a plurality of options where the plurality of options comprises (1) a bidding process .. (2) an optimization process … and (3) a manual process,” as required by the claims. Accordingly, the Levine reference fails to address each and every claim limitation of independent claim 7.

## **2. The Office Action Fails to Provide A Proper Statement of Motivation**

Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See In re Lee*, 277 F.3d 1338, 1343-46, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002); *In re Rouffett*, 149 F.3d 1350, 1355-59, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998).

The Office Action has failed to set forth a *prima facie* case of obviousness for the independent claims. Specifically, when a primary reference is missing elements, the law of obviousness requires that the Office set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000). In other words, there must be some

recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention.

In the present case, the Office Action's justifications for modifying and combining the Levine reference have absolutely nothing to do with the admitted deficiencies of Levine. To properly modify Levine to correct for the admitted deficiencies, the Office Action has the burden to show some motivation why providing those elements would have overcome some perceived problem with Levine. Any such motivation is completely lacking.

The mere fact that Levine can be somehow combined and modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See M.P.E.P § 2143.01; see also In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Completely missing from the Office Action's conclusion of obviousness is the rigorous analysis required by *Graham v. John Deere Co.*, 383 U.S. 1 (1966), *See, e.g., In re Dembiczkak*, 175 F.3d 994, 999 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."). The need for specificity pervades this authority. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no

knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Office must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. *In re Rouffet*, 149 F.3d at 1357-58. In practice, this requires that the Office "explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." *Id.* at 1359. This entails the consideration of both the "scope and content of the prior art" and "level of ordinary skill in the pertinent art" aspects of the *Graham* test. *In re Khan*, No. 04-1616, slip op. at 12 (Fed. Cir. March 22, 2006). The "motivation-suggestion-teaching" requirement protects against the entry of hindsight into the obviousness analysis, a problem which § 103 was meant to confront. *Id.* By requiring the Office to explain the motivation, suggestion or teaching as part of its *prima facie* case, the law guards against hindsight in all cases - whether or not the applicant offers evidence on secondary considerations - which advances Congress's goal of creating a more practical, uniform, and definite test for patentability. *See Dann v. Johnston*, 425 U.S. 219, 225-26 (1976).

The "motivation-suggestion-teaching" test asks not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims. *See Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1321-24 (Fed. Cir. 2005).

The initial burden is on the Examiner to provide some suggestion of the desirability of doing

what the inventor has done. The Examiner has clearly failed to reach the initial burden. For a proper rejection under 35 U.S.C. § 103, there must be some motivation to modify the primary reference as suggested by the Office Action. Any such motivation is completely lacking. Therefore, the pending claims are patentable over the prior art and are believed to be in condition for allowance.

**E. Independent Claim 11 is Patentable Over Levine under 35 U.S.C. 103(a)**

In a similar manner, independent claim 11 is also patentable over Levine for at least the reasons stated below.

**1. Levine Fails to Properly Address Each and Every Claim Limitation of Independent Claim 11**

Levine appears to be directed to a system for online financial products trading. More specifically, the system of Levine provides a centralized exchange system for the trading of loans (Abstract). The system of Levin appears to be directed to buying and selling loans. Contrary to the Office Action, Levin does not involve any collections services. Levine fails to disclose the combination of claim limitations as recited by claim 11.

More specifically, Levine fails to discloses a computer implemented system for providing an online collections services marketplace to assist Clients in identifying one or more Providers for collecting associated receivables, comprising: a subscription module for subscribing with an online collections services system wherein a Client inputs profile data and *wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party*; an input module for providing information related to the receivables for collection through the online collections services system, *wherein the online collections services system characterizes the receivables*

*based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivable where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables; and a selection module for enabling the Client to select one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria and wherein the Client selects the single Provider identified by the selected option to collect the receivables.*

The Office Action recognizes that Levin discloses “a centralized exchange system for loans.” See page 3, Final Office Action. The system of Levin appears to be directed to buying and selling loans. *See* Levine, Abstract. Contrary to the Office Action, Levine does not disclose an online collections services marketplace for retaining professional services of collections agencies in an effort to collect the delinquency. As such, Levin fails to even address the concept of “receivables,” as defined by the claims. In addition, the Office Action has failed to address this deficiency in the applied reference.

The claims further recite “enabling the Client to select one of a plurality of options *wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a*

*single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; selecting the single Provider identified by the selected option to collect the receivables.”* The claims clearly recite *a plurality of options as identified by (1) a bidding process, (2) an optimization process and (3) a manual process*. The Office Action addresses each option in a cursory manner and merely concludes obviousness. *See* pages 4 and 5, Final Office Action. Further, the Office Action improperly relies on Levine’s alleged disclosure of a bidding feature to address both option (1) a bidding process and (2) an optimization process. The claims specifically recite that the plurality of options comprises at least three separate and distinct options, namely (1) a bidding process, (2) an optimization process and (3) a manual process. None of the applied prior art discloses or even suggests the claimed plurality of options.

During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Each claim limitation must have meaning and cannot be interpreted to be devoid of any meaning. The Examiner has the burden to show where in the reference each claim limitation is found. By using the same feature in Levine to address distinct claim features, the Examiner is collapsing several claim limitations into one and thereby effectively improperly eliminating claim elements. As a result, the Examiner has improperly eviscerated option (2), which is distinct from option (1) and option (3).

In addition, for the (3) manual process option, the Office Action merely alleges that “it is obvious to manually perform tasks that are commonly done on a computer.” However, this conclusory statement does not address option (3) as recited by the claims. The overly broad application of the Levine reference suggested by the Office Action contradicts the claim

language which defines at least three distinct options. Therefore, Levine clearly fails to “enable the Client to select one of a plurality of options where the plurality of options comprises (1) a bidding process .. (2) an optimization process … and (3) a manual process,” as required by the claims. Accordingly, the Levine reference fails to address each and every claim limitation of independent claim 11.

## **2. The Office Action Fails to Provide A Proper Statement of Motivation**

Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See In re Lee*, 277 F.3d 1338, 1343-46, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002); *In re Rouffett*, 149 F.3d 1350, 1355-59, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998).

The Office Action has failed to set forth a *prima facie* case of obviousness for the independent claims. Specifically, when a primary reference is missing elements, the law of obviousness requires that the Office set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000). In other words, there must be some recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention.

In the present case, the Office Action’s justifications for modifying and combining the Levine reference have absolutely nothing to do with the admitted deficiencies of Levine. To properly modify Levine to correct for the admitted deficiencies, the Office Action has the burden to show some motivation why providing those elements would have overcome some perceived problem with Levine. Any such motivation is completely lacking.

The mere fact that Levine can be somehow combined and modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See* M.P.E.P § 2143.01; *see also In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Completely missing from the Office Action's conclusion of obviousness is the rigorous analysis required by *Graham v. John Deere Co.*, 383 U.S. 1 (1966), *See, e.g., In re Dembicza*k, 175 F.3d 994, 999 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."). The need for specificity pervades this authority. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Office must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. *In re Rouffet*, 149 F.3d at 1357-58. In practice, this requires that the Office "explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious." *Id.* at 1359. This entails the consideration of both the "scope and content of

the prior art" and "level of ordinary skill in the pertinent art" aspects of the *Graham* test. *In re Khan*, No. 04-1616, slip op. at 12 (Fed. Cir. March 22, 2006). The "motivation-suggestion-teaching" requirement protects against the entry of hindsight into the obviousness analysis, a problem which § 103 was meant to confront. *Id.* By requiring the Office to explain the motivation, suggestion or teaching as part of its *prima facie* case, the law guards against hindsight in all cases - whether or not the applicant offers evidence on secondary considerations - which advances Congress's goal of creating a more practical, uniform, and definite test for patentability. *See Dann v. Johnston*, 425 U.S. 219, 225-26 (1976).

The "motivation-suggestion-teaching" test asks not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims. *See Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1321-24 (Fed. Cir. 2005).

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. The Examiner has clearly failed to reach the initial burden. For a proper rejection under 35 U.S.C. § 103, there must be some motivation to modify the primary reference as suggested by the Office Action. Any such motivation is completely lacking. Therefore, the pending claims are patentable over the prior art and are believed to be in condition for allowance.

#### **F. Independent Claim 17 is Patentable Over Levine under 35 U.S.C. 103(a)**

In a similar manner, independent claim 17 is also patentable over Levine for at least the reasons stated below.

**1. Levine Fails to Properly Address Each and Every Claim Limitation of Independent Claim 17**

Levine appears to be directed to a system for online financial products trading. More specifically, the system of Levine provides a centralized exchange system for the trading of loans (Abstract). The system of Levin appears to be directed to buying and selling loans. Contrary to the Office Action, Levin does not involve any collections services. Levine fails to disclose the combination of claim limitations as recited by claim 17.

More specifically, Levine fails to discloses a computer implemented system for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients, comprising: a subscription module for subscribing with an online collections services system wherein a Provider inputs Provider data *wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party*; a ratings module for viewing one or more receivable ratings associated with one or more Clients, *wherein the receivables ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivable where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables*; a selection module for providing a Client selection process *wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single*

*Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; and a determination module for responding to a Client selection for collecting the receivables.*

The Office Action recognizes that Levin discloses “a centralized exchange system for loans.” See page 3, Final Office Action. The system of Levin appears to be directed to buying and selling loans. *See Levine, Abstract.* Contrary to the Office Action, Levine does not disclose an online collections services marketplace for retaining professional services of collections agencies in an effort to collect the delinquency. As such, Levin fails to even address the concept of “receivables,” as defined by the claims. In addition, the Office Action has failed to address this deficiency in the applied reference.

Levine further fails to disclose or suggest a method for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients, comprising the steps of subscribing with an online collections services system wherein a Provider inputs Provider data *wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party;* viewing one or more receivable ratings associated with one or more Clients, *wherein the receivable ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables;* providing a Client selection process *wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options*

*wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria;* and responding to a Client selection for collecting the receivables. The claims clearly recite ***a plurality of options as identified by (1) a bidding process, (2) an optimization process and (3) a manual process.*** The Office Action addresses each option in a cursory manner and merely concludes obviousness. *See* pages 4 and 5, Final Office Action. Further, the Office Action improperly relies on Levine's alleged disclosure of a bidding feature to address both option (1) a bidding process and (2) an optimization process. The claims specifically recite that the plurality of options comprises at least three separate and distinct options, namely (1) a bidding process, (2) an optimization process and (3) a manual process. None of the applied prior art discloses or even suggests the claimed plurality of options.

During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. Each claim limitation must have meaning and cannot be interpreted to be devoid of any meaning. The Examiner has the burden to show where in the reference each claim limitation is found. By using the same feature in Levine to address distinct claim features, the Examiner is collapsing several claim limitations into one and thereby effectively improperly eliminating claim elements. As a result, the Examiner has improperly eviscerated option (2), which is distinct from option (1) and option (3).

In addition, for the (3) manual process option, the Office Action merely alleges that “it is obvious to manually perform tasks that are commonly done on a computer.” However, this conclusory statement does not address option (3) as recited by the claims. The overly broad application of the Levine reference suggested by the Office Action contradicts the claim language which defines at least three distinct options. Therefore, Levine clearly fails to “enable the Client to select one of a plurality of options where the plurality of options comprises (1) a bidding process .. (2) an optimization process … and (3) a manual process,” as required by the claims. Accordingly, the Levine reference fails to address each and every claim limitation of independent claim 17.

## **2. The Office Action Fails to Provide A Proper Statement of Motivation**

Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *See In re Lee*, 277 F.3d 1338, 1343-46, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002); *In re Rouffett*, 149 F.3d 1350, 1355-59, 47 U.S.P.Q.2d 1453 (Fed. Cir. 1998).

The Office Action has failed to set forth a *prima facie* case of obviousness for the independent claims. Specifically, when a primary reference is missing elements, the law of obviousness requires that the Office set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000). In other words, there must be some recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention.

In the present case, the Office Action's justifications for modifying and combining the Levine reference have absolutely nothing to do with the admitted deficiencies of Levine. To properly modify Levine to correct for the admitted deficiencies, the Office Action has the burden to show some motivation why providing those elements would have overcome some perceived problem with Levine. Any such motivation is completely lacking.

The mere fact that Levine can be somehow combined and modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See* M.P.E.P. § 2143.01; *see also* *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Completely missing from the Office Action's conclusion of obviousness is the rigorous analysis required by *Graham v. John Deere Co.*, 383 U.S. 1 (1966), *See, e.g., In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."). The need for specificity pervades this authority. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Office must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. *In re Rouffet*, 149 F.3d at 1357-58. In practice, this requires that the Office “explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious.” *Id.* at 1359. This entails the consideration of both the “scope and content of the prior art” and “level of ordinary skill in the pertinent art” aspects of the *Graham* test. *In re Khan*, No. 04-1616, slip op. at 12 (Fed. Cir. March 22, 2006). The “motivation-suggestion-teaching” requirement protects against the entry of hindsight into the obviousness analysis, a problem which § 103 was meant to confront. *Id.* By requiring the Office to explain the motivation, suggestion or teaching as part of its *prima facie* case, the law guards against hindsight in all cases - whether or not the applicant offers evidence on secondary considerations - which advances Congress’s goal of creating a more practical, uniform, and definite test for patentability. *See Dann v. Johnston*, 425 U.S. 219, 225-26 (1976).

The “motivation-suggestion-teaching” test asks not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims. *See Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1321-24 (Fed. Cir. 2005).

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. The Examiner has clearly failed to reach the initial burden. For a proper rejection under 35 U.S.C. § 103, there must be some motivation to modify the primary

reference as suggested by the Office Action. Any such motivation is completely lacking. Therefore, the pending claims are patentable over the prior art and are believed to be in condition for allowance.

**G. Dependent claims 2-4, 8, 12-14 and 18 are Each Separately Patentable Over Levine**

The claims 2-4, 8, 12-14 and 18 depend ultimately from independent claims 1, 7, 11, or 17 and, as such, contain the features recited in claims 1, 7, 11 and 17. As discussed above, Levine fails to suggest or disclose each feature recited in claims 1, 7, 11 and 17 and, therefore, also fails to suggest or disclose at least these same features in the dependent claims. For at least these reasons, Appellant respectfully submits that the rejections of the pending claims are improper and request that they be withdrawn. Additionally, these claims are separately patentable over the proposed combination of references for at least the reasons stated below.

**1. Claim 2 is Separately Patentable**

Claim 2 is separately patentable because Levine fails to disclose *a bidding process enables the Client to submit a set of receivables for auction and specify limitations regarding the bidding process*. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 1. Levine fails to show each and every limitation of claim 2. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

**2. Claim 3 is Separately Patentable**

Claim 3 is separately patentable because Levine fails to disclose *an optimization process involves displaying one or more Providers able to provide an optimal return to the Client for selection*. The Office Action's rejection of this claim is improper for the reasons set forth above

with respect to claim 1. Levine fails to show each and every limitation of claim 3. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

### **3. Claim 4 is Separately Patentable**

Claim 4 is separately patentable because Levine fails to disclose *a manual process comprises a step of searching for one or more Providers based on client defined characteristics wherein the Client initiates contact with the one or more Providers.* The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 1. Levine fails to show each and every limitation of claim 4. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

### **4. Claim 5 is Separately Patentable**

Claim 5 is separately patentable because the combination of Levine and the Pfeifer article fails to disclose *a step of utilizing Provider data in selecting one or more Providers wherein Provider data comprises one or more Provider type, Provider qualification data, feedback data and efficiency rating data.* The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 1. The combination of Levine and the Pfeifer article fails to show each and every limitation of claim 5. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Pfeifer article. Levine is directed to loan products. In contrast, the Pfeifer article generally discusses mortgage banking. There is no teaching in the Pfeifer article that indicates how rating services of Pfeifer could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S.

Court of Appeals for the Federal Circuit stated that “the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.” The court also stated that “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

“Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.” *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

## **5. Claim 6 is Separately Patentable**

Claim 6 is separately patentable because the combination of Levine and the Pfeifer article fails to disclose *a step of dynamically rating the one or more selected Providers with respect to Provider performance in servicing receivables with one or more defined characteristics*. The

Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 1. The combination of Levine and the Pfeifer article fails to show each and every limitation of claim 6. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Pfeifer article. Levine is directed to the trading of loans. In contrast, the Pfeifer article generally discusses mortgage banking. There is no teaching in the Pfeifer article that indicates how rating services of Pfeifer could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that "the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill." The court also stated that "[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight." *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re*

*Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

#### **6. Claim 8 is Separately Patentable**

Claim 8 is separately patentable because Levine fails to disclose *a step of participating in a bidding process where the Provider submits one or more bids for one or more sets of receivables for auction*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 7. Levine fails to show each and every limitation of claim 7. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

#### **7. Claim 9 is Separately Patentable**

Claim 9 is separately patentable because the combination of Levine and Lupien fails to disclose *a step of viewing current bids of other participating bidders without revealing the identity of the other participating bidders*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 7. The combination of Levine and Lupien fails to show each and every limitation of claim 9. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Lupien disclosure. Levine is directed to the trading of loans. In contrast, Lupien is directed to a

crossing network that matches buy and sell orders based upon a satisfaction and quantity profile. There is no teaching in Ojha that indicates how this unrelated disclosure could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that “the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.” The court also stated that “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

“Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.” *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would

select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

#### **8. Claim 10 is Separately Patentable**

Claim 10 is separately patentable because the combination of Levine and Ojha fails to disclose *a step of dynamically rating one or more clients*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 7. The combination of Levine and Ojha fails to show each and every limitation of claim 10. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Ojha disclosure. Levine is directed to the trading of loans. In contrast, Ojha is directed to facilitating a transaction between a buyer and one of a plurality of sellers via the Internet. The only rating that Ojha discloses is the number of non-binding bids honored by a buyer, as a portion of the total number of non-binding bids submitted by the buyer and accepted by the seller. In other words, Ojha rating system is the percentage of times a buyer honored his non-binding bid and completed the transactions, with higher percentages representing a more favorable “reputation.” There is no teaching in Ojha that indicates how this unrelated teaching could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that “the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.” The court also stated that “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the

exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesselau*, 353 F.2d 238, 241 (CCPA, 1965)).

“Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.” *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

#### **9. Claim 12 is Separately Patentable**

Claim 12 is separately patentable because Levine fails to disclose *wherein the placement option comprises a bidding module for enabling the Client to submit a set of receivables for auction and specify limitations regarding the bidding process*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 11. Levine fails to show each and every limitation of claim 12. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

#### **10. Claim 13 is Separately Patentable**

Claim 13 is separately patentable because Levine fails to disclose *wherein the optimization process involves displaying one or more Providers able to provide an optimal return to the Client for selection*. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 11. Levine fails to show each and every limitation of claim 13. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

#### **11. Claim 14 is Separately Patentable**

Claim 14 is separately patentable because Levine article fails to disclose *wherein the mutual process involves searching for one or more Providers based on Client defined characteristics wherein the Client initiates contact with the one or more Providers*. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 12. Levine fails to show each and every limitation of claim 14. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

#### **12. Claim 15 is Separately Patentable**

Claim 15 is separately patentable because the combination of Levine and the Pfeifer article fails to disclose *a utilization module for utilizing Provider data in selecting one or more Providers wherein Provider data comprises one or more of Provider type, Provider qualification data, feedback data and efficiency rating data*. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 11. The combination of Levine and the Pfeifer article fails to show each and every limitation of claim 15. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Pfeifer article. Levine is directed to loan products. In contrast, the Pfeifer article generally discusses mortgage

banking. There is no teaching in the Pfeifer article that indicates how rating services of Pfeifer could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that “the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.” The court also stated that “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

“Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.” *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would

select the elements from the cited prior art references for combination in the manner claimed.”).

In this case, such a showing is completely lacking.

### **13. Claim 16 is Separately Patentable**

Claim 16 is separately patentable because the combination of Levine and the Pfeifer article fails to disclose *a feedback module for dynamically rating one or more selected Providers with respect to Provider performance in servicing receivables with one or more defined characteristics*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 11. The combination of Levine and the Pfeifer article fails to show each and every limitation of claim 16. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Pfeifer article. Levine is directed to the trading of loans. In contrast, the Pfeifer article generally discusses mortgage banking. There is no teaching in the Pfeifer article that indicates how rating services of Pfeifer could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that “the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.” The court also stated that “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

“Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.” *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

#### **14. Claim 18 is Separately Patentable**

Claim 18 is separately patentable because Levine fails to disclose *a bidding module for participating in a bidding process where the Provider submits one or more bids for one or more sets of receivables for auction*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 17. Levine fails to show each and every limitation of claim 18. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

#### **15. Claim 19 is Separately Patentable**

Claim 19 is separately patentable because the combination of Levine and Lupien fails to disclose *a display for viewing current bids of other participating bidders without revealing the*

*identity of the other participating bidders.* The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 17. The combination of Levine and Lupien fails to show each and every limitation of claim 19. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Lupien disclosure. Levine is directed to the trading of loans. In contrast, Lupien is directed to a crossing network that matches buy and sell orders based upon a satisfaction and quantity profile. There is no teaching in Ojha that indicates how this unrelated disclosure could even be applied to the method and system of Levine.

The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that "the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill." The court also stated that "[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight." *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some

motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

#### **16. Claim 20 is Separately Patentable**

Claim 20 is separately patentable because the combination of Levine and Ojha fails to disclose *a feedback module for dynamically rating one or more Clients*. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 17. The combination of Levine and Ojha fails to show each and every limitation of claim 20. In addition, there is no teaching or motivation to modify any of the applied references to include this feature.

Further, the system of Levine is completely unrelated to the system of the Ojha disclosure. Levine is directed to the trading of loans. In contrast, Ojha is directed to facilitating a transaction between a buyer and one of a plurality of sellers via the Internet. The only rating that Ojha discloses is the number of non-binding bids honored by a buyer, as a portion of the total number of non-binding bids submitted by the buyer and accepted by the seller. In other words, Ojha rating system is the percentage of times a buyer honored his non-binding bid and completed the transactions, with higher percentages representing a more favorable “reputation.” There is no teaching in Ojha that indicates how this unrelated teaching could even be applied to the method and system of Levine.

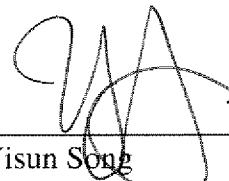
The Office Action has taken unrelated concepts in the abstract in an effort to somehow forge together a rejection. In *In re Hedges*, 783, F.2d 1038, 1041 (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that “the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill.” The court also stated that “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” (quoting *In re Wesslau*, 353 F.2d 238, 241 (CCPA, 1965)).

“Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.” *Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Therefore, the Federal Circuit has consistently held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (“Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (“In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”). In this case, such a showing is completely lacking.

In view of the foregoing, Appellant respectfully requests that the Board reverse the prior art rejections set forth in the Office Action and allow all of the pending claims.

Respectfully submitted,

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**APPENDIX A - PENDING CLAIMS**

1. (Previously Presented) A computer implemented method for providing an online collections services marketplace to assist Clients in identifying a Provider for collecting associated receivables, comprising the steps of:

subscribing with an online collections services system wherein a Client inputs profile data and wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party;

providing information related to the receivables for collection through the online collections services system, wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables;

enabling the Client to select one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria;

selecting the single Provider identified by the selected option to collect the receivables.

2. (Previously Presented) The method of claim 1 wherein the bidding process enables the Client to submit a set of receivables for auction and specify limitations regarding the bidding process.

3. (Previously Presented) The method of claim 1 wherein the optimization process involves displaying one or more Providers able to provide an optimal return to the Client for selection.

4. (Previously Presented) The method of claim 1 wherein the manual process comprises a step of searching for one or more Providers based on Client defined characteristics wherein the Client initiates contact with the one or more Providers.

5. (Original) The method of claim 1 further comprising a step of utilizing Provider data in selecting one or more Providers wherein Provider data comprises one or more of Provider type, Provider qualification data, feedback data and efficiency rating data.

6. (Original) The method of claim 1 further comprising a step of dynamically rating the one or more selected Providers with respect to Provider performance in servicing receivables with one or more defined characteristics.

7. (Previously Presented) A computer implemented method for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients, comprising the steps of:

subscribing with an online collections services system wherein a Provider inputs Provider data wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party;

viewing one or more receivable ratings associated with one or more Clients, wherein the receivable ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivables where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables;

providing a Client selection process wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; and responding to a Client selection for collecting the receivables.

8. (Original) The method of claim 7 further comprising a step of participating in a bidding process where the Provider submits one or more bids for one or more sets of receivables for auction.

9. (Original) The method of claim 7 further comprising a step of viewing current bids of other participating bidders without revealing the identity of the other participating bidders.

10. (Original) The method of claim 7 further comprising a step of dynamically rating one or more Clients.

11. (Previously Presented) A computer implemented system for providing an online collections services marketplace to assist Clients in identifying one or more Providers for collecting associated receivables, comprising:

a subscription module for subscribing with an online collections services system wherein a Client inputs profile data and wherein the Client is in search of a Provider for collecting receivables on behalf of the Client where the receivables are amounts owed to the Client as a result of extending credit to a third party;

an input module for providing information related to the receivables for collection through the online collections services system, wherein the online collections services system characterizes the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivable where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables; and

a selection module for enabling the Client to select one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria and wherein the Client selects the single Provider identified by the selected option to collect the receivables.

12. (Previously Presented) The system of claim 11 wherein the placement option comprises a bidding module for enabling the Client to submit a set of receivables for auction and specify limitations regarding the bidding process.

13. (Previously Presented) The system of claim 11 wherein the optimization process involves displaying one or more Providers able to provide an optimal return to the Client for selection.

14. (Previously Presented) The system of claim 11 wherein the manual process involves searching for one or more Providers based on Client defined characteristics wherein the Client initiates contact with the one or more Providers.

15. (Original) The system of claim 11 further comprising a utilization module for utilizing Provider data in selecting one or more Providers wherein Provider data comprises one or more of Provider type, Provider qualification data, feedback data and efficiency rating data.

16. (Original) The system of claim 11 further comprising a feedback module for dynamically rating the one or more selected Providers with respect to Provider performance in servicing receivables with one or more defined characteristics.

17. (Previously Presented) A computer implemented system for providing an online collections services marketplace to enable Providers to offer collection services to one or more Clients, comprising:

    a subscription module for subscribing with an online collections services system wherein a Provider inputs Provider data wherein the Provider data is used to identify for a Client the Provider's ability to successfully collect receivables where the receivables are amounts owed to the Client as a result of extending credit to a third party;

a ratings module for viewing one or more receivable ratings associated with one or more Clients, wherein the receivables ratings indicate a characterization of the receivables based on a combination of type of receivable, age of receivable and a likelihood of collecting the receivable where the receivables characterization is available to one or more Providers to enable the one or more Providers to quote competitive rates for collecting the receivables;

a selection module for providing a Client selection process wherein the Client selection process involves identifying a single Provider wherein the Client selects one of a plurality of options wherein the plurality of options comprises (1) a bidding process where the Client specifies a plurality of bidding participants to bid on the receivables and identifies a single Provider, (2) an optimization process where the Client specifies preference information and is presented with a single Provider determined to be capable of providing an optimal return for the receivables and (3) a manual process where the Client searches for a single Provider based on search criteria; and

a determination module for responding to a Client selection for collecting the receivables.

18. (Original) The system of claim 17 further comprising a bidding module for participating in a bidding process where the Provider submits one or more bids for one or more sets of receivables for auction.

19. (Original) The system of claim 17 further comprising a display for viewing current bids of other participating bidders without revealing the identity of the other participating bidders.

20. (Original) The system of claim 17 further comprising a feedback module for dynamically rating one or more Clients.

**APPENDIX B - EVIDENCE**

None.

**APPENDIX C - RELATED PROCEEDINGS**

None.